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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,057	09/01/2000	Gil LaVean	1-2-79.2US	5501

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VOLPE AND KOENIG, P.C.
DEPT. ICC
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,057

Applicant(s)

LAVEAN

Examiner

Steven HD Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed on 10/26/2000. Claims 1-31 have been canceled and claims 32-40 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 32-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As claim 32, the recitation “transmitting from a plurality . . . and the base stations’ fixed locations”.

As claim 35, the recitation “each base transmits a distance determine to the mobile terminal”.

As claim 36, the recitation “ the mobile receives the distance determines from each base station”.

As claim 37, the recitation “means for each received . . . and the base stations’ fixed locations”.

Art Unit: 2665

As claim 39, the recitation “a plurality of base stations ... and the base stations’ fixed locations”.

In the specification such Fig 7 and 8, the application states that a base station determines the range between the base station with the mobile and transmits to the mobile in order to allow the mobile to adjust its signal according to the arrival time of the data signal at the base station. A system has absolute time is maintained throughout the system. The base stations in the system has a same absolute time in order to allow the mobile stations to determine absolute delay to several to several base stations in order to determine an accurate geographic position. Furthermore, the applicant discloses a system for using a round trip delay which is received for purposes of geolocation and rapid reacquisition. Therefore, the specification does not disclose a method and apparatus for each base station of a plurality of base station that is communicating with the mobile for determining the range between the mobile and each base station of plurality of base stations. Each base station of plurality of base stations transmits the range value to the mobile for determining mobile’s geolocation location based on the values and the location of base stations.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 32-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Bolgiano (USP 5614914).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 32-40, Bolgiano discloses (Fig 1-23 and col. 1, lines 5 to col. 40, lines 22) a wireless CDMA system for geographically locating a mobile terminal, the system comprising a plurality of base stations with fixed locations (Fig 6, Ref 104, 106 and 108), each base station comprising means for transmitting a first spread spectrum signal having an associated code (Col. 20, lines 45-55); means for receiving a second spread spectrum signal having an associated code (Col. 20, lines 45-55); means for determining a distance between the mobile terminal and that base station based on in part a received timing of the received second signal (Col 6, lines 9-23); and means for transmitting the distance determination to the mobile terminal (Col 6, lines 9-23); and the mobile terminal comprising means for receiving the first spread spectrum signals at the mobile terminal (Col. 20, lines 45-55); means for each received first spread spectrum signal, transmitting the second spread spectrum signal having its associated code time synchronized with that received first spread spectrum signal (Col. 20, lines 45-55); means for receiving the distance determination from each base station (Col 6, lines 9-23); and

Art Unit: 2665

means for determining the mobile terminal's geographic location based on in part the distance determinations and the base stations' fixed locations (Col 22, lines 32 to col. 26, lines 55).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 32-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilling (USP 5365544) in view of Dunn (USP 5600706).

Regarding claims 32-40, Schilling discloses (Figs 1-6 and col. 2, lines 7 to col. 17, lines 35) a geolocation system comprising a plurality of base stations and mobile units wherein each base station transmits a base spread spectrum signal to the mobile unit; the mobile unit transmits a remote spread spectrum to the base station for determining the range between the mobile unit and base station (Col. 3, lines 18-52 and col. 12, lines 22 to col. 17, lines 11). However, Schilling does not fully disclose a method and system for determining the location of mobile unit based on the received range values and the location of base stations. In the same field of endeavor, Dunn discloses (Figs 1-9; and col. 1, lines 15 to col. 22, lines 49) a method and apparatus for determining the location of the mobile unit at the mobile unit based on the received range values and the location of the base stations (Col 11, lines 23-42).

Since, Dunn suggests each base station of a plurality of base stations has a range unit for determining the range between the base station and mobile unit. Therefore, it would have been

Art Unit: 2665

obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and apparatus for determining the location of a mobile unit based on the received range values and the location of the base stations as disclosed by Dunn's method and system into the system and method of Schilling. The motivation would have been to locate the mobile unit in case of receiving an emergency call.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ghosh (USP 5508708) discloses a method and apparatus for location finding in CDMA system.

Khan (USP 5646632) discloses a method and apparatus for portable communication device to identify its own location.

Sood (USP 5293645) discloses a method and apparatus for locating mobile and portable terminals in radio network.

Gilhousen (USP 6034635) discloses a method and apparatus for determining the location of the mobile unit.

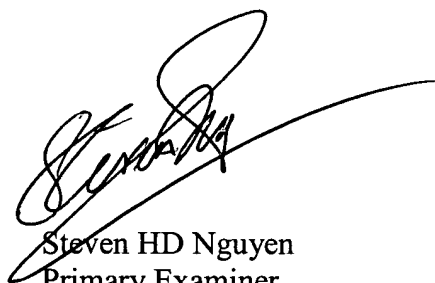
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the

Art Unit: 2665

organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Steven HD Nguyen', is written over a horizontal line.

Steven HD Nguyen
Primary Examiner
Art Unit 2665
June 10, 2003